

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Victor B. Perkins,

Civ. No. 09-2931(PAM/FLN)

Petitioner,

v.

ORDER

United States of America,

Respondent.

This matter is before the Court on Magistrate Judge Franklin L. Noel's Report and Recommendation ("R&R") recommending Petitioner Victor B. Perkins's Petition for Writ of Habeas Corpus be transferred to the United States District Court for the District of North Carolina. Petitioner is currently being held in custody at the Federal Medical Center in Butner, North Carolina ("FMC-Butner"). Because this Court does not have jurisdiction over the proper respondent in the case, the warden at FMC-Butner, it cannot consider the merits of Petitioner's claims. As such, the R&R recommends the case be transferred to the Eastern District of North Carolina, where jurisdiction resides.

Petitioner had until July 14, 2010, to file any objections to the R&R. During that time period, Petitioner filed a Motion for Default Judgment. The Motion is not responsive to the issues of jurisdiction addressed in the R&R and the Court concludes that it does not constitute an objection to the R&R. Further, because the Court lacks jurisdiction, Petitioner's Motion for Default Judgment is denied as moot. If he wishes to pursue such a motion, Petitioner will need to re-file it following transfer.

Because no objections were filed within the time period permitted, the Court hereby **ADOPTS** the R&R (Docket No. 36). Accordingly, **IT IS HEREBY ORDERED** that:

1. The Petition for Writ of Habeas (Docket No. 1) as amended by Petitioner's Amended Document (Docket No. 3) is **TRANSFERRED** to the United States District Court for the Eastern District of North Carolina; and
2. Petitioner's Motion for Default Judgment (Docket No. 37) is **DENIED** as moot.

Dated: Monday, July 19, 2010

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge